IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

Crl.MC.No. 2084 of 2007()

CC.548/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT, ADIMALI

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PETITIONER: ACCUSED 1 AND 2

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1. K.A.MOHAMMED NOUSHAD I.F.S.,
   AGED 48, S/O K.M.ABOOBACKER,
   CONSERVATOR OF FOREST(IHRD), P.T.P. NAGAR,
   VATTIYOORKAVU P.O., THIRUVANANTHAPURAM
   (FORMERLY DIVISIONAL FOREST OFFICER, MUNNAR)

2. P.B.OMANAKUTTAN, AGED 49,
   S/O T.K.BHASKARAN, ASSISTANT CONSERVATOR OF
   FOREST(TA), IHRD, COREST TRAINING COMPLEX,
   P.T.P.NAGAR, THIRUVANANTHAPURAM.

BY ADV. SRI.M.C.JOHN

RESPONDENTS: COMPLAINANT

MUNISIFF, DEVIKULAM REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2084 of 2007

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Dated this the 28th day of June, 2007

O R D E R

The petitioners are officials of the Forest Department. Against them, the learned Magistrate has initiated proceedings in C.C. 548 of 2004 under Section 193 I.P.C. The learned Magistrate has issued non-bailable warrants to procure their presence. The learned Magistrate has directed that such warrants be executed through the Dy.S.P. The short prayer of the petitioners is that the said direction may be quashed and the petitioners may be permitted to appear before the learned Magistrate and seek bail in the ordinary course.

2. Having considered all the relevant circumstances in the case I am satisfied that the prayer of the petitioners can be allowed.

3. This Crl.M.C. is allowed. The following directions are issued.

(1) The non-bailable warrants issued by the learned Magistrate to procure the presence of the petitioners shall not be executed till 3.7.2007

(2) The petitioners shall appear before the learned Magistrate on 3.7.2007. Their applications for bail shall be considered by the

learned Magistrate on merits, in accordance with law and expeditiously - on the date of surrender itself.

4. Hand over the order.

(R. BASANT)
Judge

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